

Guidelines:

Streamlining

September 9, 1999

DRAFT (Rev. 1)

III-77

What is Streamlining?

Streamlining is the process of evaluating multiple overlapping requirements on an emission unit to come up with one set of requirements to be placed in the title V permit that will assure compliance with all the overlapping requirements. The basic concept behind streamlining is that, as long as the permit contains the most stringent of the overlapping requirements, the permit will assure compliance with overlapping requirements.

For example, an emissions unit could be subject to a NSPS and a SIP rule that result in two different emissions limits for the same pollutant, and two source monitoring requirements for instrumentation, recordkeeping, and reporting. If the permitting authority and source agree to streamline these two requirements, the permit would contain:

- the most stringent emission limit
- the monitoring that best assures compliance
- the recordkeeping and reporting associated with the chosen monitoring
- a demonstration of the streamlining in the statement of basis

Streamlining is not specifically mentioned in the Clean Air Act or Part 70. However, CAA 504(a) and Part 70.6(a)(1) both imply that streamlining is allowed since they only require that the permit include terms and conditions that “assure compliance with all applicable requirements.” Pages 6-19 of White Paper #2 contain extensive guidance on streamlining.

Why Review Streamlining?

Done incorrectly, streamlining could result in a permit that does not include (i.e. assure compliance with) all applicable requirements. Errors can easily occur if the emissions limits being streamlined are given in different units (e.g., ppm vs. lbs/hr), or in streamlining lengthy requirements where monitoring, recordkeeping, and reporting requirements may be “buried” in the regulation and are easy to miss.

Tips for Review of Streamlining

Does the Permit...	What to Look For
<p>...contain the most stringent emission limit?</p> <p><i>NOTE: The key question to ask yourself here is: Could the source possibly violate any of the subsumed requirements while still complying with the streamlined permit condition?</i></p> <p><i>If the answer is “yes”, the streamlining must either be corrected to make the answer “no”, or the overlapping requirements cannot be streamlined and must each be included as separate permit conditions. See example at end of streamlining guidelines.</i></p>	<p>The emission limit contained in the permit must assure compliance with any subsumed applicable requirements.</p> <p>Make sure the shortest averaging time of the streamlined requirements is included in the permit.</p> <p>If no one limit is unambiguously more stringent than the others, the conditions of overlapping applicable requirements can be synthesized into a single new permit term, provided the new term will assure compliance with all requirements. For example, a 20% opacity (10 min. average) and a 40 % opacity (1 min. average) would result in a streamlined limit of 20% opacity (1 minute) average. Note that the applicant and permitting authority must agree on any streamlining that is to be included in the permit, especially since, as in this example, the streamlining may result in a more stringent emission limit.</p> <p>Watch out for emission limits given in different units.</p> <p>It is generally feasible to streamline limits given in the same form, such as mass emissions rate, outlet concentration, or fuel content limit.</p> <p>It is generally not feasible to streamline limits given in different forms. An exception may be made if additional limits are added to the permit to capture any assumptions made in the conversion calculations. For example, subsuming a limit on mass SO₂/hour into a fuel sulfur content limit would require adding an additional, enforceable limit to the permit on the fuel usage rate assumed in the calculations.</p>
<p>...contain the monitoring that best assures compliance?</p>	<p>The permit must contain the “most assuring” monitoring. Note that this may not always be the monitoring associated with the most stringent emission selected for inclusion in the permit. For example, if you streamline a 20% opacity limit that requires an annual source test with a 40% opacity limit that requires a COM, the streamlined permit condition must contain a 20% opacity with a COM. In all cases, make sure that the monitoring selected is relevant to and technically feasible for the streamlined limit.</p> <p>For streamlined limits based on alternative or new test methods other than those already approved by EPA for the SIP or a section 111 or 112 standard, see Attachment A of White Paper #2 for additional steps to complete the proposed streamlining.</p>

Does the Permit...	What to Look For
...include the recordkeeping and reporting associated with the chosen monitoring?	<p>Generally the recordkeeping and reporting that should be placed in the permit will be that associated with the chosen monitoring.</p> <p>Where recordkeeping is the only monitoring, apply the “most assuring” test to the recordkeeping provisions to determine which to include in the permit.</p> <p>Watch out for streamlining involving lengthy requirements, such as NSPS or MACT standards. These standards may contain monitoring, recordkeeping, and reporting requirements that are “buried” in the regulation and are easy to miss.</p>
...include an adequate streamlining demonstration in the statement of basis accompanying the permit?	<p>If a source and permitting authority agree to streamline overlapping requirements, the statement of basis must contain a side-by-side comparison of the various requirements that demonstrates which is most stringent. The party (source or permitting authority) that initiated the streamlining should be the primary preparer of such a demonstration. Any demonstration by the source should be supplemented by the permitting authority, as necessary, to provide clarity, and should be included in the statement of basis for the permit that is part of the public record.</p> <p>Verify calculations as necessary, and check to be sure any assumptions made in conversion calculations (e.g. fuel consumption rate) are included as enforceable permit conditions.</p> <p>Check that the demonstration includes the selection of the “most assuring” monitoring where any questions could arise.</p>
...contain a permit shield to cover streamlined requirements?	<p>While a permit shield is not required to accompany streamlining, the full benefits of streamlining are not realized unless all streamlined requirements are included in a permit shield.</p> <p>Benefit of clarification of overlapping requirements: Streamlining clarifies for the source what they need to do. This benefit is achieved without a permit shield.</p> <p>Benefit of being deemed in compliance with overlapping requirements: A source may only be deemed in compliance with the streamlined requirements if the requirements are included in a proper permit shield.</p>
...include either a citation to all subsumed requirements.	<p>Streamlined requirements in a permit should be identified as such in the permit to assure the streamlining demonstration is reassessed in the event the streamlined condition is amended. Ideally, a permit term should be identified as streamlined through the inclusion of a citation to each streamlined requirement.</p>

Does the Permit...	What to Look For
...mark as federally enforceable any previously “state-only” requirements which subsume federally enforceable requirements?	If a federally enforceable requirement is subsumed into another requirement through streamlining, the streamlined requirement in the permit must be federally enforceable. Refer to page 11 of White Paper #2 and the guidelines section on federal enforceability for more information.
... violate 40 CFR 72.70(b) and 40 CFR 70.6(a)(1)(ii) by allowing title IV (Acid Rain) requirements to be subsumed into other applicable requirements?	<p>Acid rain requirements (under Part 72 and 78) must be included in the title V permit and thus may not be subsumed into other more stringent applicable requirements.</p> <p>However, note that acid rain requirements included in permit may be used in a streamlining demonstration to assure compliance with other overlapping (equally or less stringent) applicable requirements. Such a streamlining exercise cannot affect in any way the acid rain standards required to be in the permit, including emission limits, monitoring, recordkeeping, reporting, and testing.</p>

Improper Use of Streamlining

“Streamlining Away” Requirements: The purpose of streamlining is to eliminate redundancy of overlapping requirements, not pick and choose which requirements are really “important” for a source to follow. Thus, streamlining demonstrations cannot be used to explain away requirements.

For example, if a source is subject to a limit on opacity but the source is limited by its permit to burning only pipeline quality natural gas, the likelihood of violating the opacity limit may be very low. However, the opacity limit cannot be “streamlined away” (taken out of the permit). Instead, one simple way to deal with this situation is to include the opacity limit in the permit, but to impose periodic monitoring requirements (in accordance with the guidelines section on periodic monitoring) that reflect the very low likelihood of violation.

Example of a Proper Streamlining Demonstration

Synthesizing a New Permit Term: Following is an example of a proper streamlining demonstration included in the statement of basis for the streamlining of four overlapping applicable reporting requirements. Since no single reporting requirement would assure compliance with the others, all four reporting requirements were synthesized into a new permit term which assures compliance with all four applicable requirements. Note the details of each applicable requirement are given clearly for a side-by-side comparison:

Overlapping requirements to be streamlined:

Rule 446, the NSPS (Subpart Kb), and NSR permit condition #5 require the following records be kept:

Rule 446: Liquids stored, true vapor pressure ranges, actual storage temperature

NSPS: Volatile organic liquid stored, period of storage, and max true vapor pressure of stored liquid for at least two years

Condition #5: Types, quantities (gallons/day), true vapor pressure ranges, and actual storage temperature for at least one year.

Rule 207 (district's title V rule) requires that all monitoring data and support information be kept by the source for a period of at least 5 years.

All these requirements are currently federally enforceable, and the new streamlined requirement will be marked as federally enforceable.

Proposed streamlined condition to be included in the permit:

STREAMLINED RECORDKEEPING REQUIREMENT: [Rule 446, NSPS Subpart Kb, NSR #5]

The permittee shall keep copies of the following records. (FEDERALLY ENFORCEABLE)

- A. Type of liquid stored
- B. Maximum true vapor pressure of the liquid stored
- C. Actual storage temperature (measured monthly)
- D. Period of storage
- E. Quantities of liquid stored (gallons/day)

The records shall be continuously maintained for the most recent five year period and shall be made available to the Air Pollution Control Officer upon request.

Example of Two Limits That May Not Be Streamlined

Emission limits which are not (quite) overlapping: The following example shows the process of comparing two opacity limits that, at first blush, appear to be overlapping. However, as shown below, the averaging times for the standard are written in different ways such that neither standard would assure compliance with the other. Thus, the two limits cannot be streamlined and both standards must be listed separately in the permit.

SIP Rule Opacity Standard	PSD Permit Opacity Standard
Limit: not to exceed 10% opacity for a period or periods aggregating more than 3 minutes in any one hour (Note these 3 minutes do not have to be <u>consecutive</u>)	Limit: not to exceed 10% opacity averaged over any 6-minute period

From the first “Tip” above on reviewing streamlining, the key question to ask yourself is, **“Could the source possibly violate any of the subsumed requirements while still complying with the streamlined permit condition?”** If the answer is “yes”, then the two conditions cannot be streamlined into one and must each be included as separate permit conditions.

Select the requirement that appears to be more stringent to “test” it as the streamlined permit condition (or when reviewing a permit, see which requirement was included in the permit as the streamlined permit condition to test). Your first inclination when looking at these two permit conditions is that the limit associated with the shorter time frame of 3 minutes is more stringent because it allows less averaging of emissions. Thus, you would guess the SIP Rule should be the streamlined permit condition.

Ask yourself the key question: “Could the source possibly violate the PSD limit (6 minute average) while still complying with the SIP rule (any 3 minutes)?

To answer the question, first create a hypothetical situation: Suppose the source had two minutes in a row of 50% opacity, followed by 5% opacity for the rest of the hour.

Second, verify the hypothetical situation does not violate the streamlined permit condition: The streamlined permit condition is the SIP Rule. There are no 3 minutes in the hour where the source exceeded 10 % opacity. (The source only exceeded 10% opacity in 2 minutes.)

Third, ask if the hypothetical situation violates the subsumed requirement: The subsumed requirement is the PSD limit. If you take a 6 minute average including the two 50% readings you get:

$$(50+50+5+5+5+5)/6 = 20 \% \text{ opacity}$$

This result exceeds the 6-minute limit in the PSD permit. The answer to the question is: **Yes, the source could exceed the PSD limit while still complying with the SIP rule. Therefore these two conditions cannot be streamlined and must be included as separate permit conditions.**